

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,
Plaintiff

VS.

MATTHEW JAMES STEWART,
Defendant

JUDGE LLOYD D. GEORGE'S
ORDER REGARDING TRIAL

Case No: 2:10-CR-0564-LDG-LRL

1. Attached hereto is a list of cases that are presently scheduled for trial before the **Honorable Lloyd D. George, United States District Judge**, at Las Vegas, Nevada, commencing on **Monday, April 25, 2011 at 8:30 a.m.**

This is a TWO week trial stack.

2. Counsel for all parties in the civil and criminal cases shall appear in Courtroom **6B** on **Wednesday, April 20, 2011 at 8:30 a.m.** for Calendar Call. Unless a party in a civil case or a defendant in a criminal case is appearing pro se, the individual parties in civil cases and the defendants in criminal cases will not be required to appear for Calendar Call unless the Court directs otherwise.

3. Counsel or their clients will be excused from Calendar Call if prior to the scheduled calendar call settlement papers have been filed in a civil case or a defendant's plea of guilty or nolo contendere has been accepted in a criminal case.

4. At the Calendar Call, all cases that remain to be tried will be ranked in order of trial. Thereafter, the Court will not grant a continuance to any party absent a showing of good cause. Unless the Court otherwise directs, the cases will be tried one after the other on **TWENTY-FOUR (24) HOURS'** notice from the clerk.

5. **CHANGE OF PLEA HEARINGS.** Change of plea hearings will be set on Tuesdays immediately following calendar call. It shall be the joint responsibility of counsel for the United States and for Defendant(s) to ensure that the original and two copies of the plea agreement, together with a copy of the indictment, are delivered to Judge George's chambers by 4:00 p.m. on Monday, the day before the change of plea hearing. It shall further be the

1 responsibility of counsel for the United States to ensure that any necessary produce orders are timely delivered to the
2 United States Marshal to ensure the presence of all in-custody defendants for a change of plea, and to ensure proper
3 notification for the attendance of any court interpreter which may be required for the particular case.

4 6. STATUS HEARING. The Court may conduct a status conference prior to the scheduled Calendar Call. If the
5 Court is satisfied during the status conference that the case is ready for trial, the Court may vacate the Calendar Call.

6 7. WITNESSES. Counsel shall immediately subpoena all witnesses for the time and trial date as listed above.
7 Inasmuch as the cases will be tried in a trailing fashion, the subpoenas should contain a special instruction from
8 counsel directing witnesses to contact the office of counsel for further instructions prior to appearing for trial.
9 Witnesses are not required to be present at the Calendar Call but must appear as subpoenaed.

10 8. EXHIBITS. At least three (3) court days prior to the commencement of any trial, counsel shall supply Judge
11 George's courtroom deputy clerk with the original and three copies of a complete exhibit list of all exhibits that are
12 intended to be used during the trial. At the same time, counsel shall serve upon opposing counsel a copy of the same.

13 Plaintiff Numerals (1-500) shall be used to identify the plaintiff's exhibits and Defendant's Numerals (501-1000)
14 shall be used to identify the defendant's exhibits. Exhibits that are on the same subject matter may be marked as a
15 series: that is, Plaintiff's 1-A, 1-B, etc., and Defendant's 501-A, 501-B, etc. The exhibits shall be listed on the form
16 to be provided by the clerk and pursuant to the instructions as shall be supplied by the clerk. Counsel may use
17 computer-generated exhibit lists so long as they conform to the requirements of the form that is provided by the clerk.

18 COUNSEL SHALL RETAIN POSSESSION OF THEIR OWN EXHIBITS UNTIL SUCH TIME AS THEY ARE
19 IDENTIFIED AND OR ADMITTED INTO EVIDENCE BY STIPULATION OR IN OPEN COURT; AFTERWARD,
20 THE EXHIBITS SHALL REMAIN IN THE CARE AND CUSTODY OF THE CLERK/COURT, UNLESS
21 OTHERWISE ORDERED BY THE COURT.

22 9. MARKING EXHIBITS. During preparations for trial, counsel for all parties shall meet, confer, pre-mark and
23 exchange all trial exhibits. At least three (3) court days in advance of trial, counsel in civil cases shall make
24 arrangements with Judge George's courtroom deputy clerk to appear for purposes of confirming the pre-making of
25 all trial exhibits.

26 10. Counsel wishing to utilize the court's evidence display equipment must contact the courtroom deputy to
27 determine its availability and to arrange for training.

28 11. TRIAL JUDGE. Although the cases that are listed on the attached trial calendar are assigned to Judge George,

1 the cases may proceed to trial before another Nevada district judge or a visiting district judge.

2 12. CONSENT TO TRIAL BEFORE A MAGISTRATE JUDGE. Counsel and parties in civil actions are
3 reminded of their right to consent to disposition before a United States Magistrate Judge pursuant to Title 28, Section
4 636(c)(2) of the United States Code. The right to proceed before a Magistrate Judge in a civil case includes those
5 cases that will be tried before a jury as well as those cases to be tried before the Court sitting without a jury. Any
6 appeal from a judgment in a proceeding before a Magistrate Judge shall be taken directly to the United States court
7 of Appeals. The option to proceed before a Magistrate Judge is available to the parties at the time an action is
8 commenced. The Court may refuse to approve a consent if it appears to be motivated by an effort to delay the
9 proceeding.

10 13. SANCTIONS. As provided for under the Local Rules of Practices of this court, the Court will consider the
11 imposition of sanctions against any attorney who: (1) fails to timely file trial briefs, suggested voir dire questions and
12 proposed jury instructions or proposed findings of fact and conclusions of law, whichever is applicable, as prescribed
13 by the Pretrial Order, Order Regarding Pretrial Procedure, Scheduling Order or any order extending the time for such
14 filings; (2) fails to comply with the provision of this order including, but not limited to, the failure to appear for
15 calendar call without first having been excused by the court or the clerk with the permission of the Court; or (3) fails
16 to timely comply with any other order that schedule deadlines for trial preparation.

17 14. CONTACT PERSON. All questions and information regarding the trial calendar are to be directed to JUDY
18 HARRIS, Deputy Clerk, at 702-464-5438.

19 15. THE DATE of the Clerk's file mark shall constitute the date of this order.

20
21 IT IS SO ORDERED.

22
23 /S/
LLOYD D. GEORGE
24 United States District Judge
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1 CALENDAR CALL FOR **TRIALS TO COMMENCE ON MONDAY, APRIL 25, 2011 AT 8:30 A.M.** IN LAS
2 VEGAS COURTROOM, 6B BEFORE THE HONORABLE JUDGE LLOYD D. GEORGE.. **CALENDAR CALL**
3 **IS WEDNESDAY, APRIL 20, 2011 AT 8:30 A.M.** IN LAS VEGAS COURTROOM 6B BEFORE JUDGE
4 LLOYD D. GEORGE.

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4 1. 2:10-CR-0035-LDG-LRL UNITED STATES OF AMERICA
5 VS.
6 JOHN McVEIGH (PR BOND)

7 1 Count Criminal Indictment - 18 USC §§ 922(g)(1) and 924(a)(2)

8 Jury trial (estimate days)

9 Philip Smith, AUSA Paul Riddle, AFD
10 (702) 388-6336 (702) 388-6577

11 2. 2:10-CR-0449-LDG-RJJ UNITED STATES OF AMERICA
12 VS.
13 CESAR FERNANDEZ-VIRGIN (CUSTODY)

14 **SPANISH
15 INTERPRETER**

16 1 Count Criminal Indictment - 8 USC § 1326

17 Jury trial (estimate days)

18 An Nguyen, AUSA Jonathan Sussman, AFD
19 Robert Bork, AUSA (702) 388-6577
20 (702) 388-6336

21 3. 2:10-CR-0546-LDG-PAL UNITED STATES OF AMERICA
22 VS.
23 RUBEN SOLIS (CUSTODY)
24 aka Miguel Bonifacio

25 3 Count Superseding Criminal Indictment - Ct. 1: 18 USC §§ 922(g)(1) and 924(a)(2);
26 Ct. 2: 18 USC §§ 922(g)(5)(A) and 924(a)(2);
27 Ct. 3: 8 USC § 1326

28 Jury trial (estimate days)

Phillip Smith, AUSA Monique Kirtley, AFD
(702) 388-6336 (702) 388-6577

1 CALENDAR CALL FOR TRIALS TO COMMENCE ON MONDAY, APRIL 25, 2011 AT 8:30 A.M. IN
2 LAS VEGAS COURTROOM, 6B BEFORE THE HONORABLE JUDGE LLOYD D. GEORGE.. **CALENDAR**
3 **CALL IS WEDNESDAY, APRIL 20, 2011 AT 8:30 A.M.** IN LAS VEGAS COURTROOM 6B BEFORE
4 JUDGE LLOYD D. GEORGE.

5 4. 2:10-CR-0564-LDG-LRL UNITED STATES OF AMERICA
6 VS.
7 MATTHEW JAMES STEWART (CUSTODY)
8 aka Matt James Stewart

9 2 Count Criminal Indictment - Count 1 and 2: 21 USC §§ 841(a)(1) and 841(b)(1)(C)

10 Jury trial (estimate days)

11 Phillip Smith, AUSA Rebecca Rosenstein, AFPD
12 (702) 388-6336 (702) 388-6577

13 5. 2:11-CR-0057-LDG-RJJ UNITED STATES OF AMERICA
14 VS.
15 Bryan Binns Ct. 1-4 (CUSTODY)
16 aka Jose Silva-Ayala
17 Josh Patton Ct. 1-4 (CUSTODY)
18 **SPANISH
19 INTERPRETER** Noe Contreras Ct. 1 and 4
20 aka Primillo (CUSTODY)

21 Jury trial (estimate days)

22 4 Count Criminal Indictment - Counts 1 through 4: 21 USC § 846

23 Bradley Giles, AUSA Counsel for Bryan Binns - Houman Fakimi
24 (702) 388-6336 (714) 542-2188
25 Mace Yampolsky
26 (702) 385-9777
27 Counsel for Josh Patton - Henry Florence
28 (602) 258-8451
Counsel for Noe Contreras - Craig Drummond
(702) 366-9966

1 CALENDAR CALL FOR TRIALS TO COMMENCE ON MONDAY, APRIL 25, 2011 AT 8:30 A.M. IN
2 LAS VEGAS COURTROOM, 6B BEFORE THE HONORABLE JUDGE LLOYD D. GEORGE.. **CALENDAR**
3 **CALL IS WEDNESDAY, APRIL 20, 2011 AT 8:30 A.M.** IN LAS VEGAS COURTROOM 6B BEFORE
4 JUDGE LLOYD D. GEORGE.

5 6. 2:11-CR-0060-LDG-RJJ UNITED STATES OF AMERICA
6 VS.
7 CESAR GARCIA-SAN PEDRO (CUSTODY)

8 **SPANISH
9 INTERPRETER**

10 1 Count Criminal Indictment - 8 USC § 1326

11 Jury trial (estimate days)

12 An Nguyen, AUSA
13 (702) 388-6336

Raquel Lazo, AFPD
(702) 388-6577

14 7. 2:11-CR-0073-LDG-GWF UNITED STATES OF AMERICA
15 VS.
16 JERRY WAYNE RANDALL (CUSTODY)

17 2 Count Criminal Indictment - Ct. 1: 18 USC §§ 922(g)(1) and 924(a)(2);
18 Ct. 2: 18 USC § 922(j)

19 Jury trial (estimate days)

20 Christina Silva, AUSA
21 (702) 388-6336

22 Shari Kaufman, AFPD
23 (702) 388-6577